IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CWP No.16376 of 2006

Date of Decision: 23.10.2006

Smt.Davinder Kaur .....Petitioner

Versus

State of Punjab and others .....Respondents

CORAM:- HON'BLE MR.JUSTICE J. S. KHEHAR
HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.Naresh Parbhakar, Advocate
for the petitioner.

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J.S.KHEHAR,J.(Oral)

Through the instant writ petition, the petitioner has impugned the order dated 9.12.2004 (Annexure P2) whereby it has been decided by the authorities to revert the petitioner from the post of Labour Inspector, Grade-II to the post of Junior Assistant. The impugned order has been passed specifically on account of the fact that the petitioner does not fulfil the qualifications prescribed for appointment by way of direct recruitment to the post of Labour Inspector, Grade-II. This conclusion in the impugned order has to be examined in the background of the order dated 3.4.2002 vide which the petitioner was promoted against the post of Labour Inspector, Grade-II. Its perusal reveals that the petitioner was factually appointed against a post reserved for appointment by way of direct recruitment. In

the background of the aforesaid factual position, the first issue to be determined is whether the petitioner fulfils the academic qualifications prescribed for appointees by way of direct recruitment to the post of Labour Inspector, Grade-II. Despite our asking, learned counsel for the petitioner could not invite our attention to any statutory rule, instruction or order, to show that the petitioner is eligible for appointment against the post of Labour Inspector, Grade-II. It is, therefore, apparent that the petitioner has been reverted on account of her ineligibility. Thus, there can hardly be any infirmity in the order of reversion. And as such, there is no cause, whatsoever, for us to interfere with the impugned order dated 9.12.2004 (Annexure P2).

Despite our conclusions recorded hereinabove, it seems that respondents No.3 to 5, who were similarly situated as the petitioner and were promoted by the same order dated 3.4.2002, have been allowed to continue against the post of Labour Inspector, Grade-II. Since the petitioner has not challenged the action of the Authorities in allowing respondents Smt.Bimla Kumari, Jasbir Singh and Swaran Singh (respondents 3 to 5) to continue against the post of Labour Inspector, Grade-II, it is not possible for us to take the matter any further. All the same, it would be appropriate and in the fitness of matters especially in view of Article 14 of the Constitution of India for the authorities to treat all similar persons alike. In case respondents No.3 to 5 are similarly situated as the petitioner, the respondents shall obviously take the same action against them, as has been taken against the petitioner.

A copy of this order shall be despatched by the Registry of this Court to the Labour Commissioner, Punjab requiring him to take

appropriate action, as has been stated hereinabove, in case the same is called for. Obviously, issuing of a show cause notice to the concerned parties, and affording an opportunity of hearing to them, will be essential, in case it is decided to divest the parties of any rights presently vested in them.

Dismissed.

(J. S. KHEHAR)
JUDGE

(S. D. ANAND)
JUDGE

October 23, 2006
SRM